

REMARKS/ARGUMENTS

In response to the restriction requirement, Applicant hereby elects Group I, drawn to a polymerase-nucleic acid complex, with traverse. Claims 1-28 are readable thereon.

According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an “undue burden” would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search (MPEP at § 808.02). Applicant believes that no undue burden exists in the present case. Furthermore, once the product claims are found allowable, commensurate process claims must be rejoined as a matter of right (MPEP § 821.04). As such, Applicant respectfully request that the Examiner maintain the present claims and examine them on the merits.

Applicant elects the following species, with traverse, for search purposes only: a species from A-AO; a species from AP-AY; a species from AZ-AB and a species from BC-BE.

1. species of the attachment complex:

With respect to election of a species of the attachment complex, Applicant elects species A) wherein the attachment complex comprises at least two anchors (claim 3), as set forth in FIG. 2, wherein the anchors (203, 205) are identical amino acid sequences as set forth in paragraph 50, line 21.

2. species of polymerases

With respect to election of a species of polymerases, Applicant elects species AU) wherein the polymerase is selected from family B polymerases such as a terminator polymerase (claim 22, in part).

3. species of polymerase complexes

With respect to election of a species of the polymerase complexes, Applicant elects species AZ), wherein the polymerase-nucleic acid complex is an array of polymerase-nucleic acid complexes attached to a support (claim 23), as shown in FIG. 6.

4. species of processivity index

With respect to election of a species of processivity, Applicant elects species BC), wherein the processivity index is at least 0.5 (claim 26) such as a 9° North DNA polymerase as discussed in paragraph 38.

In view of the foregoing, Applicants respectfully request early action on the merits. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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